1942 K **File No.** O. I. P. C./42

Legal DEPARTMENT

A BRANCH

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Subject:—

Opinions under the

Indian Penal code.

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2.	O.No.537-Confl., dt. 11-12-1942.	Section 161, I.P.C. Prosecution of Mr.L.P.Sequeira for illegal gratification. —	

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Office of the R.L.A.

It appears that the papers are referred to the R.L.A. in order to ascertain whether there would be any objection to according the requisite sanction under Rule 31 of the Bombay Civil Services (Conduct, Discipline and Appeal) Rules.

2. The imputation of a demand of Rs.500 as a bribe is clearly defamatory. The attack on the conduct of Mr.Carnaghan in the Special Report on the working of the Regional Transport Office, Nasik, also contains several defamatory passages. It appears that neither truth nor good faith could, in the circumstances stated by Mr. Carnaghan, be available as defences in this case. It is however, unnecessary at this stage to go into the details of evidence af or the merits of the cases. Since the attacks in question are prima facie clearly defamatory Government may give Mr. Carnaghan an opportunity to vindicate his honour as recommended by the Secretary, Provincial Transport Authority, at page 21 ante and accord the requisite sanction.

Sd. P.N.Moos
23/1
Remembrancer of Legal Affairs.

U.N.to H.D.No.35-Confl., dated the 24th January 1942.

MRP.
30/4/56.

Office of the R.L.A.

There is sufficient evidence to justify the prosecution of Mr. Siqueira. It hardly seems that the taking of illegal gratification for issuing no-objection certificates could be said to be done or purported to be done in the execution of his duty. The selling of bond forms for Rs.3/- each could more easily be said to be done in the execution of his duty. But it would be safer to obtain the consent of the Governor-General for the whole case.

Sd. P.N.Moos,
10/10
Remembrancer of Legal Affairs.

U.R.to P.& S.D.,No.537-Confl., dated the 11th December 1942.

MRP.
30/4/56.
3/5 DPP 3-5-56.